

disadvantages of self-representation, ... a defendant's waiver must be made with an apprehension of the nature of the charges, the statutory offenses included within them, and the range of allowable punishments thereunder.

Id. at 1306 (internal quotation marks and citations omitted).

Id. at 425-26. Accordingly, we will set a hearing for Tuesday, August 13, 2013 at 9:00 A.M. to consider Defendant's assertion of his implicit right under the Sixth Amendment to proceed *pro se*. Faretta, 422 U.S. at 820. In addition, we will continue the currently scheduled pre-trial conference and jury trial until further notice.

With respect to Defendant's request that Attorney Foreman, his current defense counsel, be appointed as his stand-by counsel, the Defendant is instructed that he does not have the absolute right to standby counsel of his choice.

Defendant also needs to be aware that standby counsel's role is dramatically different than appointed counsel's role. Standby counsel is appointed as an attorney who is present in the courtroom, follows the evidence and proceedings, and who can replace the defendant if the court determines during the trial that the defendant can no longer be permitted to proceed *pro se*. Standby counsel assists the defendant in procedural matters the defendant is unfamiliar with and to facilitate a speedy and efficient trial by avoiding the delay often associated with *pro se* representation.

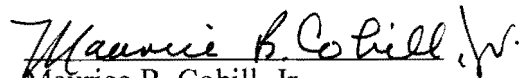
The following Order is hereby entered:

AND NOW, to-wit, this 9th day of July, 2013, it is hereby ORDERED, ADJUDGED, and DECREED that a hearing on the Defendant's waiver of the right to counsel and his request that Attorney Foreman be appointed as his standby counsel shall be held on Tuesday, August 13, 2013, at 9:00 A.M. in Courtroom A, 2nd Floor, of the Federal Courthouse in Erie, Pennsylvania.

Tuesday, August 13, 2013, at 9:00 A.M. in Courtroom A, 2nd Floor, of the Federal Courthouse in Erie, Pennsylvania.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, and DECREED that the Pre-trial Conference and Jury Trial set for Tuesday, August 13, 2013, is hereby continued until further notice.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that the time period within which Defendant's Sixth Amendment right to counsel issues are considered and ultimately resolved shall be excluded under Title 18 U.S.C. §§ 3161(h)(8)(A) and (h)(8)(B)(iv), since the Court finds that in the interest of justice, this time period is necessary for consideration of Defendant's request to proceed *pro se*, and the protection of his Sixth Amendment right to counsel.


Maurice B. Cohill, Jr.
Senior United States District Judge

cc: Joseph Ollie